

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-150364-001 DT

10/10/2008

COMMISSIONER PHEMONIA L. MILLER

CLERK OF THE COURT
J. Kosaka
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

JOHN BACON (001)

JOHN AGRA
STEVE B KOESTNER

JUDGE DUNCAN
VICTIM SERVICES DIV-CA-CCC

INITIAL PRETRIAL CONFERENCE

8:32 a.m.

Courtroom CCB802

State's Attorney:	Desi Rubalcaba
Defendant's Attorney:	Steve Koestner
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has conducted an initial pretrial conference (IPTC) this date.

Based upon the avowals made to the Court by the parties, the Court finds/orders as follows:

The Court finds that the State did comply with Rule 15.1(a) as previously ordered by the Court.

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The State has complied with all discovery under Rule 15.1(b).

The Defense has complied with all discovery under Rule 15.2(b).

IT IS FURTHER ORDERED that the State and the Defendant shall comply with Rule 15.1(e) and Rule 15.2(e) within 25 days of the IPTC.

Any request to extend the deadline set this date must be done pursuant to Rule 15.6(d). Failure to request an extension may result in the preclusion of the evidence.

IT IS ORDERED directing counsel to set up and participate in a settlement conference prior to the plea cut off date. The settlement conference shall be scheduled prior to the Comprehensive Pretrial Conference.

IT IS FURTHER ORDERED that pursuant to Rule 17.4(a) that counsel with authority to settle the case shall participate in a good faith discussion with the settlement court regarding a non-jury or no-trial resolution which conforms to the interests of justice.

IT IS FURTHER ORDERED that counsel for Defendant shall conduct a conflicts check for all witnesses listed by the State, and if necessary counsel for Defendant shall file a Motion to Withdraw.

A Comprehensive Pretrial Conference is set for 10/16/2008* at 8:30 a.m. before Judge Duncan at which time trial dates will be set.

Last Day: 01/25/2009 (0 DAYS EXCLUDED)

A DEFENDANT'S FAILURE TO APPEAR AT THE COMPREHENSIVE PRETRIAL CONFERENCE OR THE TRIAL MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR HIS OR HER ARREST AND THE CPC AND TRIAL BEING CONDUCTED IN THE DEFENDANT'S ABSENCE.

THE TRIAL DATE SHALL NOT BE CONTINUED UNLESS A WRITTEN MOTION TO CONTINUE IS FILED AT LEAST 5 DAYS BEFORE THE TRIAL. A CONTINUANCE WILL NOT BE GRANTED UNLESS THE MOTION SHOWS THAT EXTRAORDINARY CIRCUMSTANCES EXIST. (Rule 8.5, Rules of Criminal Procedure and guidelines thereto.)

Defendants seeking reconsideration rulings of the Court on a Motion to Modify Release conditions or a Motion for Rule 11, said motion shall be done by a Motion for Reconsideration.

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All Motions for Reconsideration, however denominated, shall be submitted without oral argument or without response or reply. No Motion for Reconsideration shall be granted without the Court granting an opportunity for a Response.

IT IS FURTHER ORDERED affirming prior custody orders.

8:43 a.m. Court stands at recess in this matter.

9:40 a.m. Matter is recalled with Yukiko Kuwata standing in for Desi Rubalcaba. Steve Koestner and John Agra are present for the Defense. The Defendant is present.

A Notice of Appearance by John Agra, on behalf of the Defendant, John Bacon, for all further proceedings as to the above cause number, is filed on this date.

IT IS ORDERED that Steve Koestner and the Office of the Legal Advocate are relieved as counsel of record for the Defendant, John Bacon, in this case.

LET THE RECORD REFLECT John Agra is the attorney of record.

Defense counsel waives the Defendant's presence for purposes of this proceeding.

The Defendant leaves the courtroom.

*IT IS ORDERED resetting the Status Conference from 10/16/2008 to **10/22/2008** at 8:30 a.m. before Judge Duncan.

IT IS ORDERED affirming prior custody orders.

9:43 a.m. Matter concludes.

NOTICE: IT IS THE RESPONSIBILITY OF COUNSEL TO NOTIFY THE COURT BEFORE WHICH A HEARING WILL BE HELD 48 HOURS IN ADVANCE OF ANY HEARING NEEDING AN INTERPRETER FOR A VICTIM OR A WITNESS. (10 BUSINESS DAYS FOR ANY LANGUAGE OTHER THAN SPANISH.)